



# Public Notice

**Applicant:**

Erie County Department  
of Parks, Recreation  
and Forestry

**Date:**

Published: August 25, 2004  
Expires: September 23, 2004

**U.S. Army Corps  
of Engineers**

**In Reply Refer To:**

**Buffalo District CELRB-TD-R RE: 2004-00743(0) Section: NY 404**

**Application for Permit under Authority of  
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

The Erie County Department of Parks, Recreation and Forestry, 95 Franklin Street, Buffalo, New York 14202, has applied for a Department of the Army permit to discharge dredged and fill material into a tributary of Neuman Creek, in connection with a culvert replacement and channel relocation in Chestnut Ridge Park, in the Town of Orchard Park, Erie County, New York.

The applicant proposes to divert the flow of the creek, by installing a temporary sandbag cofferdam across the creek, upstream of the existing culverted road crossing. Water will be pumped around the site to the area downstream of the culvert pipe.

The applicant shall excavate out a new channel into which the new culvert pipe will be placed. The shale material excavated shall be used to fill in part of the existing channel. About 489 cubic yards of material shall be placed below the plane of ordinary high water in order to fill in the existing channel. After the new channel is excavated, about 30 cubic yards of select granular material will be placed as bedding for the new culvert.

The new culvert pipe will be about 160 feet long. Headwalls will be installed at the ends of this culvert, and will be keyed in to the stream bed. Protective stone fill will be placed at the ends of the culvert. About 15 cubic yards of stone fill will be placed at the downstream end of the culvert, and about 95 cubic yards of stone fill shall be placed at the upstream end of the culvert.

The existing culverted crossing has stone masonry walls. These walls shall be repaired in place by tuck pointing the walls.

In order to control turbidity, the applicant proposes to install a temporary sandbag check dam at the downstream end of the project site. This dam will be removed upon project completion.

The purpose of the proposed culvert and channel work is to provide for a safe crossing of the creek for a roadway. By relocating part of the creek channel, erosion at the culverted crossing shall be avoided.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Mel R. Schroeder, who can be contacted by calling (716) 879-4307, or by e-mail at: mel.r.schroeder@usace.army.mil

The following authorization(s) may be required for this project:

Water Quality Certification (or waiver thereof) from the New York State Department of Environmental Conservation.

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Mel R. Schroeder, or by e-mail at: mel.r.schroeder@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record which is available to the public under the Freedom of Information Act. The Administrative Record, or portions thereof may also be posted on a Corps of Engineers internet web site. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties,

water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

# SIGNED

Thomas C. Switala  
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.

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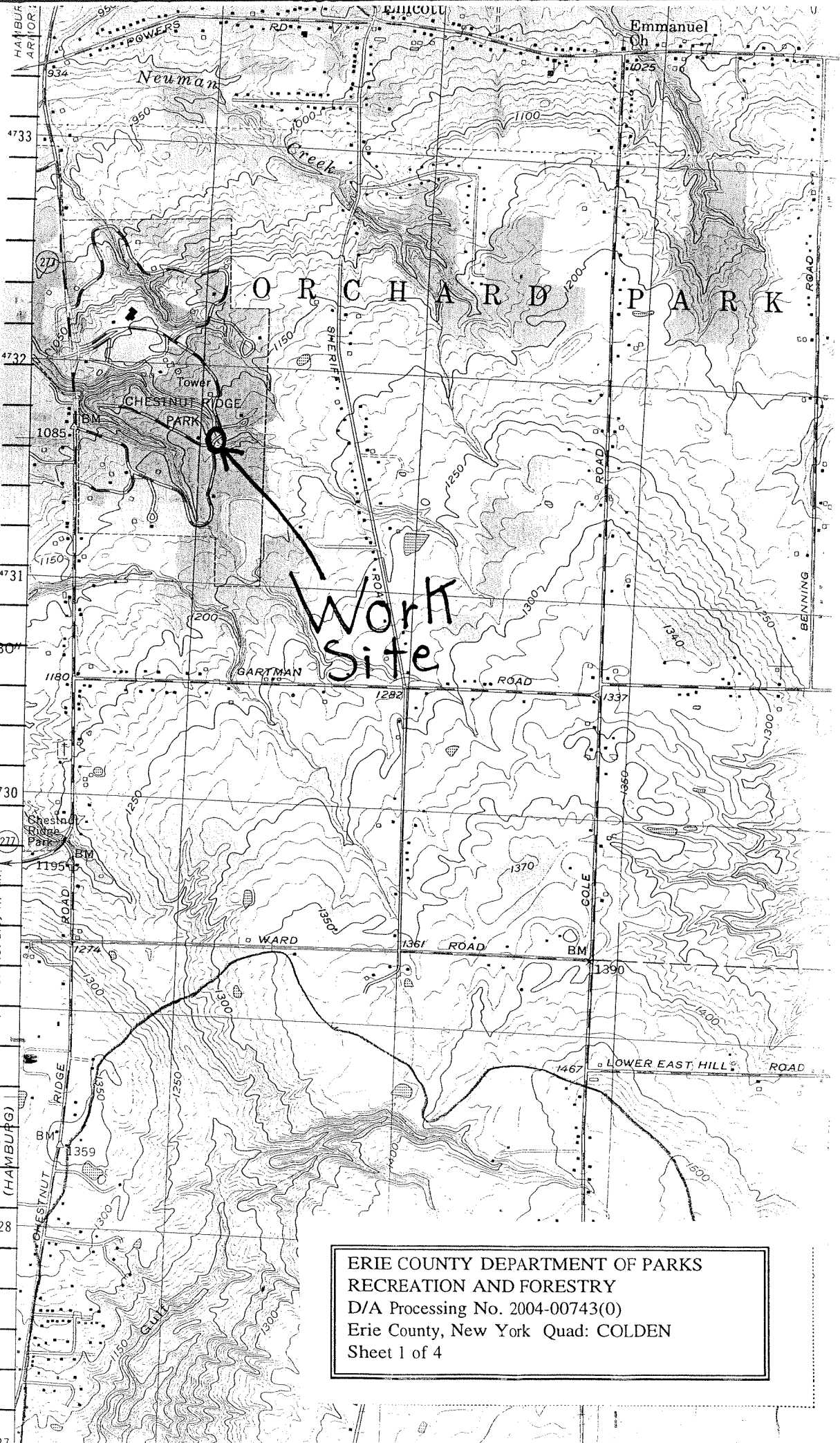
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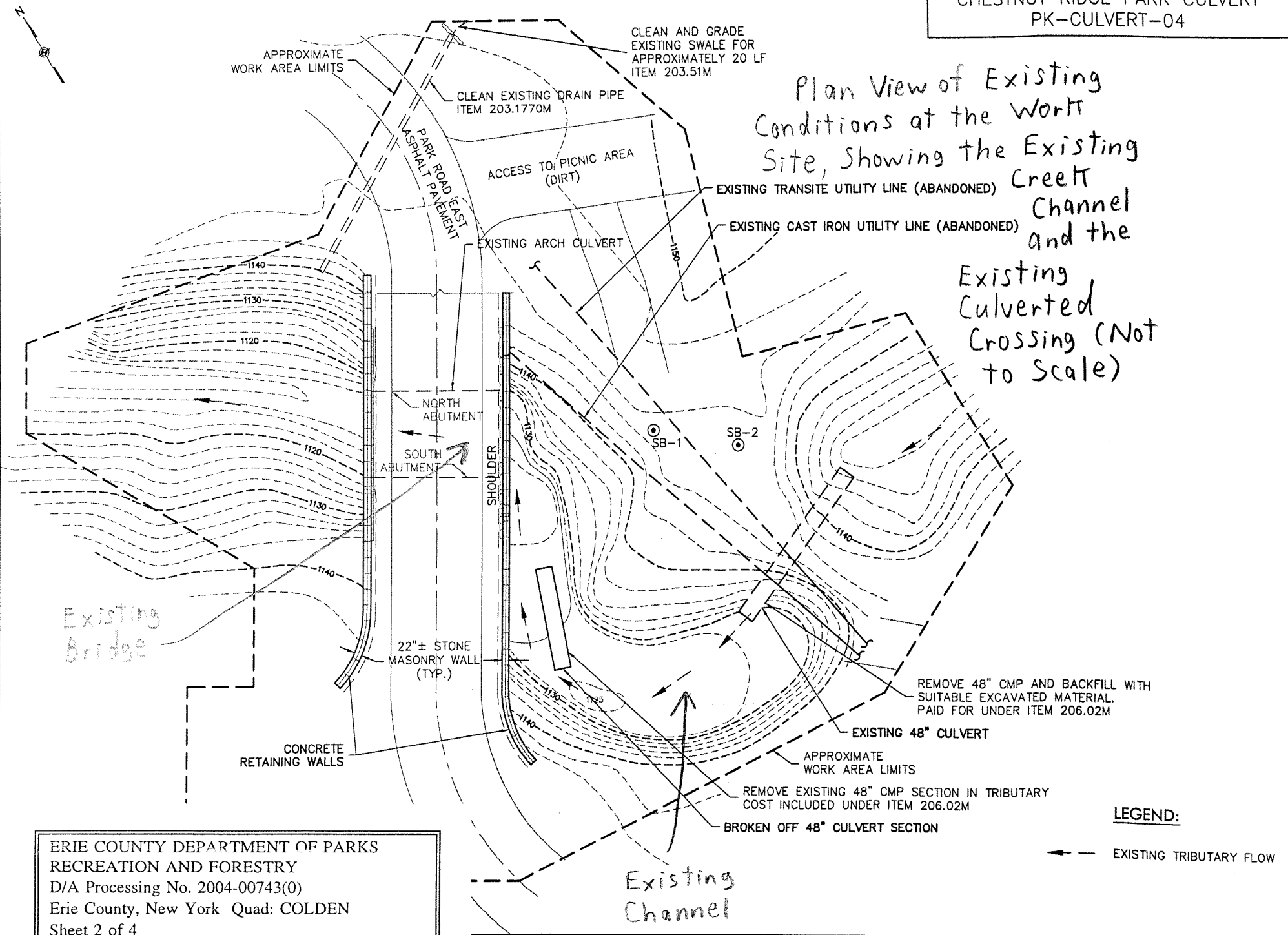
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HAMBURG (JUNC. U.S. 62) 5.3 MI.  
1269 W. NE. NORTH BOSTON (JUNC. U.S. 219) 1.7 MI.  
(HAMBURG)



ERIE COUNTY DEPARTMENT OF PARKS  
RECREATION AND FORESTRY  
D/A Processing No. 2004-00743(0)  
Erie County, New York Quad: COLDEN  
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# Plan View of Proposed Culvert Pipe and Fill Installations (Not to Scale)

EDGE PARK CULVERT  
CULVERT-04

PROPOSED CULVERT ALIGNMENT AND LOCATIONS ARE APPROXIMATE AND ADJUSTED AS ORDERED BY THE THE INLET SHALL BE LOCATED IN THE EXISTING SOUTH ABUTMENT, RELY 73' FROM THE EAST PARAPET. THE OUTLET SHALL BE LOCATED IN THE EXISTING NORTH ABUTMENT, RELY 65' FROM THE WEST PARAPET. INSTALLED LENGTH OF CULVERT BE 160'.

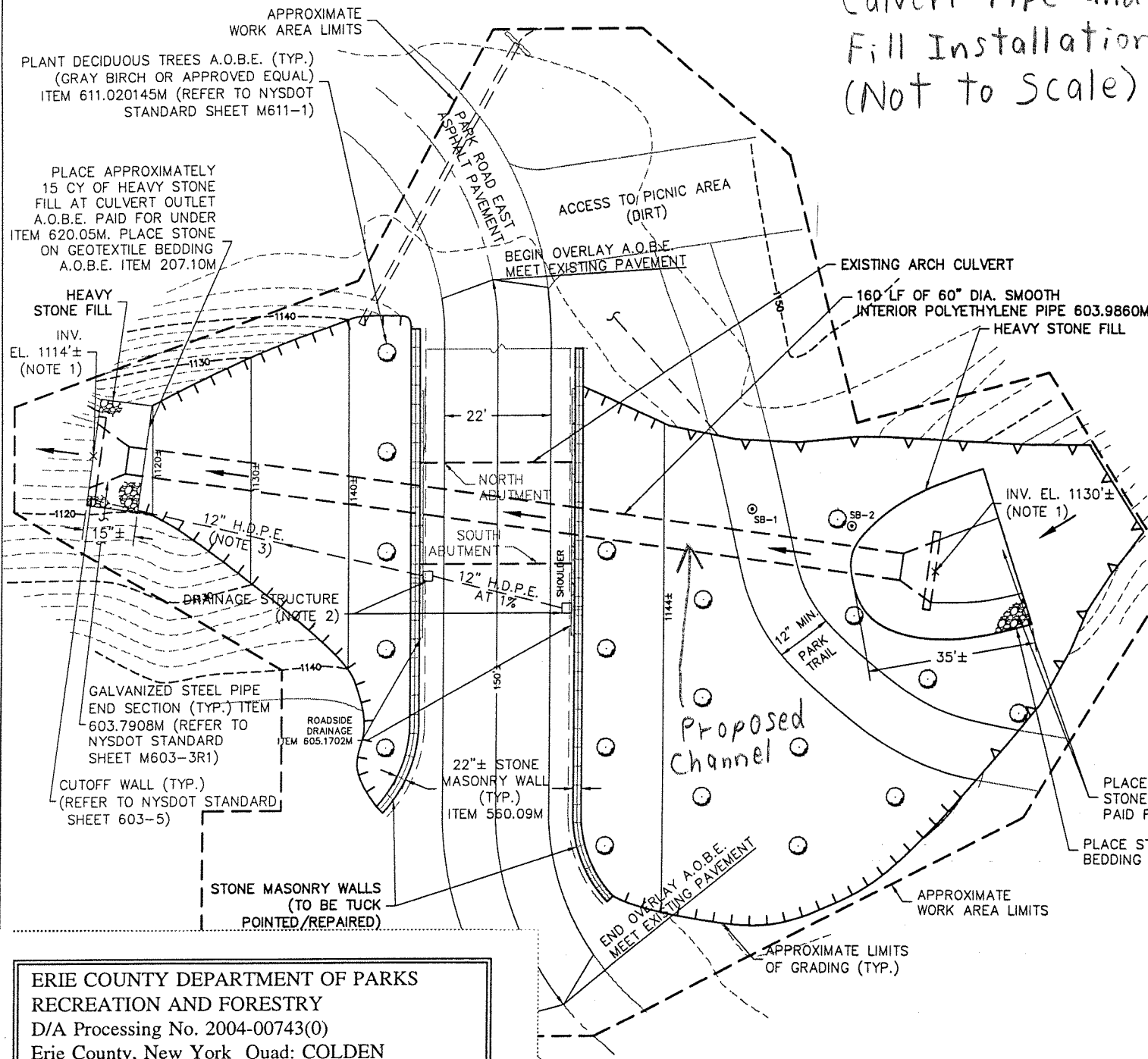
2. DRAINAGE STRUCTURES SHALL BE TYPE S WITH NO. 11 FRAME AND GRATE. FABRICATION AND INSTALLATION SHALL BE ACCORDANCE WITH ERIE COUNTY STANDARD SHEET 94-1, AND NYSDOT STANDARD SHEETS M604-5R1, M604-6R1, M607-7R1, AND M604-8R1. THE FRAME AND GRATE SHALL BE CENTERED IN THE TOP SLAB. THE OVERALL DEPTH AND PAY LIMIT FOR EACH STRUCTURE SHALL BE 5', INCLUDING THE BOTTOM SLAB. PAID FOR UNDER ITEM 604.301911M AND ITEM 655.0201M. PIPE SHALL BE PAID FOR UNDER ITEM 603.9812M. EXCAVATION AND BACKFILL SHALL BE PAID FOR UNDER ITEM 206.02M AND ITEM 203.07M.

3. TO IMPROVE COVER, THE ROADWAY DRAIN OUTLET PIPE SHALL BE SLOPED AT APPROXIMATELY 5% FOR 20 LF AT THE OUTLET END. THE OUTLET OF THE PIPE SHALL EXTEND THROUGH THE CUTOFF WALL. THE REMAINING PIPE LENGTH SHALL BE SLOPED UNIFORMLY AS REQUIRED TO CONNECT TO THE DRAINAGE STRUCTURE. PAID UNDER ITEM 603.9812M.

4. FOR SOIL EROSION AND SEDIMENT CONTROL DETAILS, REFER TO NYSDOT STANDARD SHEETS M209-1 AND M209-2.

## LEGEND:

← PROPOSED TRIBUTARY FLOW



ERIE COUNTY DEPARTMENT OF PARKS  
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